

### **REMARKS**

This paper is filed in response to the Office Action mailed April 29, 2008. Claims 1 through 6 and 13 through 18 have been previously withdrawn and are canceled herein. In addition, claims 10 through 12 are canceled herein and claims 7 through 9 and 19 through 22 have been amended. For the reasons set forth below, Applicants submit that each of the pending claims is patentably distinct from the cited prior art and in condition for allowance. Reconsideration of the claims is therefore respectfully requested.

### **Amendments to the Specification**

Paragraph [0020] of the specification has been amended to account for the panels "A" through "F" provided in Figure 6 and referenced in the specification.

### **Claim Rejections – 35 U.S.C. § 102**

Claims 19 through 22 are rejected under 35 U.S.C. § 102(b) as being anticipated by Geng (FASEB Journal, (March 7, 2001) Vol. 15, No. 4, pp. A8) in view of Huminiecki (Genomics, 2002 Apr; 79(4): 547-52). Applicants traverse this rejection because the cited references do not each and every element of independent claim 19, and those claims dependent therefrom.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single reference which qualifies as

prior art under 35 U.S.C. § 102. *Verdegaal Brothers v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Likewise, the identical invention must be shown in as complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Amended independent claim 19 recites a method of preventing angiogenesis in endothelium tissue expressing Robo-4 receptor. The Geng reference teaches only that recombinant human Slit 2 facilitates the formation of vasculature. The Geng reference makes no mention of a method of preventing angiogenesis. Huminiecki provides teachings regarding the Robo-4 receptor, but does not teach a method of preventing angiogenesis and, in fact, specifically teaches that ligands of Robo-4 remain to be identified. As such, Applicants respectfully submit that the teachings of Geng in view of Huminiecki do not expressly or inherently teach each and every element recited in any of claims 19 through 22, and Applicants respectfully request that the rejection under 35 U.S.C. § 102(b) be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 112, First Paragraph**

Claims 7 through 12 and 19 through 22 are rejected 35 U.S.C. § 112, first paragraph. It is asserted in the Office Action that the specification is not enabling and does not allow a person of skill in the art to which the invention pertains or with which it is most nearly connected to use the invention commensurate in scope with the rejected claims. Such rejection is supported by the citation of various references that are argued

to contravene the claimed invention and establish the complexity and unpredictability of the subject matter. It should be noted that claims 10 through 12 are canceled herein, and as such, should no longer be subject to a rejection under 35 U.S.C. § 112, first paragraph. Further, Applicants respectfully traverse the rejection of claims 7 through 9 and 19 through 22 under 35 U.S.C. § 112, first paragraph.

In order to more fully address the rejection of claims 7 through 9 and 19 through 22, Applicants have submitted herein a Declaration under 37 C.F.R. § 1.132 by Dean Y. Li, an inventor in the present application. Further, Applicants respectfully submit that the references cited by the Examiner in support of the rejection of 7 through 9 and 19 through 22 are based on experimental work that is distinguishable from the work reflected in the specification of the present application and/or simply do not provide enough information to contravene the specific results achieved by the inventors in the present application. Moreover, the specification of the present application provides specific experimental examples that, when considered together with the detailed description of the Robo-4 receptor, exemplary ligands, and methods of use described in the present application, would allow one of ordinary skill in the art to practice the full scope of the invention recited in claims 7 through 9 and 19 through 22, as they are amended herein. Therefore, Applicants respectfully submit that claims 7 through 9 and 19 through 22 meet the requirements of 35 U.S.C. § 112, first paragraph, and Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 112, first paragraph, be withdrawn.

**Claim Rejections – 35 U.S.C. § 112, Second Paragraph**

Claims 7 through 12 and 19 through 22 are rejected 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, it is asserted in the Office Action that “the instant specification does not identify that material element or combination of elements which is unique to, and, therefore, definitive of ‘Robo-4 receptor’” and, as a result “an artisan cannot determine what additional or material limitations are placed upon a claim the presence of this element.” (See, Office Action, p. 13, lines 20-24). It should be noted that claims 10 through 12 are canceled herein, and as such, should no longer be subject to a rejection under 35 U.S.C. § 112, second paragraph. Further, Applicants respectfully traverse the rejection of claims 7 through 9 and 19 through 22 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully note that claims 7 through 9 recite methods comprising activating Robo-4 receptor present in endothelial tubes that express the Robo-4 receptor. Moreover, claims 19 through 22 recite methods comprising activating Robo-4 receptor present in endothelium tissue expressing Robo-4 receptor. The specification of the present application provides specific examples of Robo-4 receptors and equips one of ordinary skill with sufficient information to understand what is meant by the term “Robo-4” and identify cells and/or tissues expressing Robo-4 receptor. Therefore, Applicants respectfully submit that one of ordinary skill in the art would appreciate the metes and bounds of claims 7 through 9 and 19 through 22, as such

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claims are considered in light of the teachings provided in the specification of the instant application. Applicants, consequently, respectfully request that the rejection of claims 7 through 9 and 19 through 22 under 35 U.S.C. § 112, second paragraph, be withdrawn.

**Conclusion**

In view of the foregoing, it is believed that all of the claims are patentable in their present form and a prompt notice of allowance for this case is respectfully requested. As mentioned above, if the Examiner finds any remaining impediment to the prompt allowance of this application, please contact the undersigned attorney.

DATED this 29 day of October, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Samuel Webb", written in a cursive style.

Samuel E. Webb  
Attorney for Applicant  
Registration No. 44,394

STOEL RIVES LLP  
201 South Main, Suite 1100  
Salt Lake City, UT 84111  
(801) 578-6998